

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

April 14, 2011

In the Matter of PEREZ/BELTON/PEREZ-
BELTON, Minors.

No. 300314
Midland Circuit Court
Family Division
LC No. 09-003571-NA

Before: O'CONNELL, P.J., and K. F. KELLY and RONAYNE KRAUSE, JJ.

MEMORANDUM.

Respondent mother appeals as of right from the trial court's order terminating her parental rights to the three minor children pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interest of the children. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). Regard is to be given to the "special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Termination of parental rights was proper under MCL 712A.19b(3)(g). Respondent was unable to provide proper care and custody of the children because she failed to address her mental health and substance abuse issues and never obtained suitable housing. Despite brief periods of participation and commitment to services throughout the case, she never completed therapy sessions to treat her mental health issues or substance abuse treatment. Moreover, respondent had four residences during the time the children were in foster care and was living with her fiancé and his mother as of the termination hearing. She never provided documentation of adequate housing.

The trial court also did not err in terminating respondent's parental rights pursuant to MCL 712A.19b(3)(j). With respect to MCL 712A.19b(3)(j), much of the evidence discussed concerning MCL 712A.19b(3)(g) also clearly established a reasonable likelihood existed that the children would suffer harm if returned to respondent's home. Respondent's untreated substance abuse and mental health issues would expose the children to risk of harm. Respondent has a

history of association with violent individuals with little concern for self-protection or the protection of her children. Her psychological evaluation showed that she has weak protective instincts and will continue to associate with individuals who are high risk to her and her children.¹

The trial court also did not err in its best interest determination. In this case, termination of parental rights was in the best interest of the children given respondent's extensive history of untreated substance abuse and mental health issues. Likewise, termination of parental rights was in the children's best interest because they needed stability and respondent did not demonstrate the ability to provide the children with safe and suitable housing or the capacity to financially support them.

Affirmed.

Peter D. O'Connell
Kirsten Frank Kelly
Amy Ronayne Krause

¹ Contrary to respondent's implied arguments on appeal, the termination of respondent's parental rights was not based on her boyfriend's criminal history alone, but rather on the whole record.